

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROBERT DAVIS,)	
)	
Plaintiff,)	
)	
vs.)	Cause No. 4:07-CV-01152-HEA
)	
REFRIGERATED FOOD EXPRESS,)	
INC., et al.,)	
)	
Defendants.)	

ORDER APPROVING WRONGFUL DEATH SETTLEMENT

Plaintiff Robert Davis waives his right to a jury trial and submits the proposed settlement to the Court for approval. Evidence having been heard and the Court being fully advised in the premises, it is hereby ordered, adjudged, and decreed that:

1. The deceased Leroy Davis (the decedent) died on September 10, 2005 after being injured on July 23, 2005 in a motor vehicle accident on Interstate 55 in Pemiscot County as described more fully in the Complaint.

2. The decedent is survived by son Plaintiff Robert Davis and sons Glenn Davis, Dennis Davis, and Patrick Davis.

3. There are no other living relatives or persons having a cause of action under Section 537.080 RSMo. arising out of the death of the decedent.

4. Glenn Davis, Dennis Davis, and Patrick Davis have been notified of this lawsuit.

5. Plaintiff testifies under oath and this Court hereby finds that there are no other living relatives or persons having a cause of action under Section

537.080 arising out of the death of the decedent and that a diligent attempt has been made to locate and notify any such persons.

6. The proposed settlement of One Million Two Hundred Thousand Dollars (\$1,200,000) paid by or on behalf of Defendants Refrigerated Food Express, Inc., Dole Food Company, Inc., and Paul Wallace is a fair and reasonable compromise of disputed claims and is in the best interests of Plaintiff and is hereby approved with the following division of proceeds:

a. Stephen M. Gorny of Bartimus, Frickleton, Robertson & Gorny, P.C. and Murry A. Marks of The Marks Law Firm, dutifully employed and retained to represent Plaintiff in this matter shall be paid Four Hundred and Eighty Thousand Dollars (\$480,000) collectively as attorneys fees and Nineteen Thousand Seven Hundred Forty Dollars and Ninety-Six Cents (\$19,740.96) for reimbursement of expenses reasonably incurred in the preparation and prosecution of this claim.

b. Plaintiff shall be paid Seven Hundred Thousand One Hundred Fifty-Nine Dollars and Four Cents (\$700,159.04).

6. This settlement is fair and reasonable and in the best interests of Plaintiff and is hereby approved.

SO ORDERED:



DATED:

